

WHAT'S NEW IN WORKERS' COMPENSATION?

To continue to provide you with information related to workers' compensation, here is the 6th edition of the Workers' Compensation Newsletter. We hope that you find this information useful. If you have any questions, please call Ayanna Smith at (301) 734-7488 or Denise Coleman at (301) 734-8350.

Hot topics:

2nd Annual Federal Workers' Compensation Conference and Exposition: The 2nd Annual Federal Workers' Compensation Conference and Exposition was held August 13-17 in Orlando, Florida. The Department of Agriculture had the 3rd largest number of conference attendees with 82 participants. There was a large selection of training courses offered (57 different courses). A compact disc containing the handouts for all courses was purchased by the Administrative Services Enhancement Unit (ASEU). If you are interested in getting copies of any of the materials, please contact Ayanna Smith at (301) 734-7488. Additionally, Ms. Smith has been asked to participate in planning next year's conference. If you have any topics that you would like to see included at the next conference, please let her know so that she may bring your ideas to the planning committee.

Here are some conference highlights:

Beginners Track: In addition to the materials provided on the compact disc, Ms. Smith has a copy of the seminar outline from the Beginners Track course. This course provided attendees with a general overview of the Federal Employees' Compensation Act (FECA). A summary of the benefits payable under FECA was given and the requirements for coverage were discussed. The course also explained the procedures used by employing agency personnel in processing claims, including a discussion of necessary forms. An explanation of the OWCP claim adjudication process was also provided. This course was excellent for new Workers' Compensation Specialists, or as a refresher course. If you would like this information, please contact Ms. Smith.

OWCP Regulations: This course reviewed the responsibilities that are the employers' and those that are the employees'. Here is a summary of the information presented on this topic:

Employer's Responsibilities

First Actions:

- Complete the agency portion of CA-1 or CA-2
- Complete receipt of notice
- Submit to OWCP within 10 days
- Use CA-16 to authorize medical care
- Advise employee of right to Continuation of Pay (COP)
- Advise employee of controversion (if applicable)

Continuation of Pay:

Continue pay for 45 days unless:

- Injury is not traumatic
- Employee is not a citizen
- No notice of injury is received within 30 days
- No notice of injury is received until after termination of employee
- Injury occurs off premises and not in performance of duty
- There is a statutory exclusion and injury is excluded
- First work stoppage from injury occurs after 30 days of injury

Stop COP only if:

- No medical evidence is presented within 10 days of injury
- Medical evidence shows no disability
- There is a partial disability and employee refuses job offer
- Employee returns to work
- Employment expires or terminates
- OWCP directs agency to stop COP
- COP has been paid for 45 days

Compensation:

- Give CA-7 to employee on 30th day of COP
- Complete employer portion of CA-7
- Send CA-7 to OWCP by 40th day of COP
- Send CA-7 to OWCP within 5 days of receipt
- If LWOP continues, use CA-7 to claim more compensation

Death Claims:

- Report death to OWCP by phone or fax
- Complete and send CA-6 within 10 days
- Furnish CA-5 to survivors
- Provide assistance in completing CA-5

Occupational Disease:

- Provide occupational disease checklist to employee
- Submit information requested on CA-2 and checklist

Return to work:

- Place employee in equivalent job if recovered within 1 year
- Advise employee in writing of alternate positions or accommodations
- Use CA-17 to monitor duty status
- Make written job offer
- Send a copy to OWCP

Employee Responsibilities

Filing claims:

- File notice of injury (CA-1) within 30 days of injury in order to receive COP
- File notice of occupational disease (CA-2) as soon as illness or injury is recognized as work related
- Use CA-7 to claim compensation for disability
- Use CA-2a to claim recurrence

- Submit medical evidence to support claim within 10 days for traumatic injury

Medical evidence:

- For COP, provide medical evidence to employer within 10 days
- Provide medical evidence to OWCP
- Ensure that physician provides work limits to employer/OWCP
- Notify physician of alternative work available

Return to work:

- Must resume regular work if able
- If partially disabled, must seek or accept suitable work
- If suitable work is refused, not entitled to compensation
- Must cooperate in rehabilitation
- Must report work activity to OWCP

Why Provide Training?: Significant advantages to providing workers' compensation training to supervisors include:

- ✓ Supervisors can ensure that compensation forms are filled out correctly so benefits are not improperly delayed or denied.
- ✓ Supervisors know how to identify claims that should be controverted.
- ✓ Supervisors can monitor the status of a work-related injury and illness claims including cost to the agency and health of the employee.
- ✓ Supervisors determine the success or failure of a light duty, limited duty, modified work or alternative productive work assignment program.

Ayanna Smith is available to conduct training. Please contact Ms. Smith with your training requests.

Advantages of an Alternative Productive Work Program: Even when an employee cannot be returned to his/her regular position, there are advantages to providing alternative work. Advantages include:

- ◆ Staff members normally recuperate more rapidly if they are as active as possible, within the restriction posed by the treating physician. Alternative productive work assignments can often accelerate recuperation.
- ◆ Staff members maintain the discipline of going to work every day. A long layoff can make a return to work more difficult.
- ◆ While performing alternative productive work, staff members still contribute to the organization.
- ◆ Because they are at work, the employees on alternative productive work assignments often prefer to return promptly to their regular jobs, rather than continue performing in an alternate assignment.
- ◆ The ultimate objective is early return to the regular job.

Current Regulations: New regulations for claims under the Federal Employment Compensation Act (FECA) took effect on January 4, 1999. Most notably, the time period in which a person must begin losing time from work in order to receive continuation of pay (COP) has been reduced from 90 days to 45 days. Timely submission and adjudication of claims has dramatically improved since the 90-day period was adopted. Therefore, this grace period is no longer necessary to ensure that the injured worker's pay continues uninterrupted. The Program's focus on minimizing lost time requires early

intervention, which can only occur when OWCP is aware that an employee has lost time. This information is included in The Department of Labor, Employment Standards Administration, Office of Workers' Compensation Programs, Division of Federal Employees' Compensation, website, along with other valuable information related to workers' compensation. The address is:

<http://www.dol.gov/dol/esa/public/regs/compliance/owcp/fecacont.htm>.

Upcoming events:

55th Annual Federal Safety and Health Training Conference: The 55th Annual Federal Safety and Health Training Conference will be held November 28-December 1st and December 4-8, 2000, in Rosemont, Illinois at the Westin O'Hare Hotel. The first week will follow a traditional format featuring several seminars and sessions to be presented concurrently, as well as an OSHA Training Institute 18-hour course, Collateral Duty Course for Other Federal Agencies. During the week of December 4-8, Federal employees and members of Federal Safety and Health Councils will be able to attend one of six full length OSHA Training Institute courses. For more information, please contact Denise Coleman at (301) 734-8350.

3rd Annual Federal Workers' Compensation Conference: The 3rd Annual Federal Workers' Compensation Conference will be held at the Hyatt Regency in Chicago on August 22-24, 2001. The theme for this conference is "Building a Community of Excellence". We will provide you with additional information as it becomes available. If you have any questions, please contact Ayanna Smith at (301) 734-7488.